

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: May 18, 2022

Time in Court: (9:04-11:19 AM; 11:56 AM – 1:12 PM; 1:23-4:13 PM)

TOTAL Time: 6 hrs, 21 min

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, Robert Leach, John Bostic, Kelly Volkar

Also present: Special Agent - Chris McCollow
Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares, Aaron Brecher, Shawn Estrada, Sachi Schuricht, Molly McCafferty, James Flynn

Also present: Reese Oñate
Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Jury Trial (Day 31)

Jury Trial held May 18, 2022. Testimony held and evidence entered.
Further Jury Trial set for May 20, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 4938, 4415, 5839, 5840, 2730, 2729, 5843, 5838, 5483, 5484, 1360, 1404, 1422, 4077, 1443, 1454, 1477, 5441, 1482, 1505, 1506, 5858

Defendants: 20683, 14259

The following exhibits are admitted into evidence:

Plaintiffs: 4938, 4415, 5839, 5840, 2739, 2729, 5843, 5838, 5483, 5484, 1360, 1404, 1422, 4077, 1443, 1454, 1477, 5441, 1482, 1505, 1506, 5858

Defendants: 20683, 14259

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*

Case No: 5:18-CR-00258-2 EJD

TRIAL LOG

TRIAL DATE: May 13, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		9:04 am	Jury present	
		9:06 am	Court in session in presence of Jury	
			Court queries Jury re previous admonishment	
			Government calls Witness #21 Dr. Mark Burnes	
		9:07 am	Dr. Mark Burnes sworn and takes the stand.	
		9:08 am	Government begins Direct examination of Dr. Mark Burnes	
		9:14 am	Government offers Dr. Mark Burnes as an expert witness	
		9:15 am	Court permits Dr. Mark Burnes to testify as expert	
4938	Obj	9:18 am	Offered into Evidence	
		9:20 am	ADMITTED into Evidence: Theranos Test Results of Dr. Mehrl Ellsworth	
4415		9:32 am	ADMITTED into Evidence: May/Jun 2015 Email String re Rerun and Call Back Request	
		9:52 am	Government completes direct examination of Dr. Mark Burnes	
		9:53 am	Defense begins cross-examination of Dr. Mark Burnes	
		9:56 am	Ex. 4938, previously admitted	
		10:00 am	Ex. 4415, previously admitted	
		10:12 am	Defense completes cross-examination of Dr. Mark Burnes	
		10:13 am	Government begins re-direct examination of Dr. Mark Burnes	

TRIAL DATE: May 13, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		10:14 am	Government completes re-direct examination of Dr. Mark Burnes	
			Witness #21 Dr. Mark Burnes excused and departs Courtroom	
		10:15 am	Government calls Witness #22 Dr. Mehrl Ellsworth	
		10:16 am	Dr. Mehrl Ellsworth sworn and takes the stand	
		10:17 am	Government begins direct examination of Dr. Mehrl Ellsworth	
		10:20 am	Ex. 4938, previously admitted	
		10:27 am	Government completes direct examination of Dr. Mehrl Ellsworth	
			Witness #22 Dr. Mehrl Ellsworth excused and departs Courtroom	
		10:28 am	Government calls Witness #23 Brent Bingham	
		10:29 am	Brent Bingham sworn and takes the stand	
			Government begins direct examination of Brent Bingham	
		10:38 am	Ex. 5801, previously admitted	
5839		10:41 am	ADMITTED into Evidence: 2015-08-12 Theranos Email to Bingham re Your Visit Code	
5840		10:44 am	ADMITTED into Evidence: 2015-08-21 Theranos Email to Bingham re Theranos Patient Visit Summary Details	
2730		10:47 am	ADMITTED into Evidence: 2015-08-28 Theranos Final Lab Results Report re Brent Bingham	
2729		10:50 am	ADMITTED into Evidence: 2015-08-28 Access Medical Laboratories Final Lab Results Report re Brent Bingham	
5843		10:58 am	ADMITTED into Evidence: 2015-12-11 Theranos Email to Bingham re Theranos Patient Visit Summary Details	
5838		11:00 am	ADMITTED into Evidence: 2015-12-15 Theranos Email to Bingham re Theranos Contact Confirmation	
		11:03 am	Government completes direct examination of Brent Bingham	
			Defense begins cross-examination of Brent Bingham	

TRIAL DATE: May 13, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		11:17 am	Defense completes cross-examination of Brent Bingham	
		11:18 am	Witness #23 Brent Bingham excused and departs Courtroom	
			Jury Departs Courtroom	
		11:19 am	Court breaks for 37 minutes	
		11:56 am	Jury present	
			Court in session in presence of Jury	
		11:57 am	Government calls Witness #24 Erin Tompkins	
		11:58 am	Erin Tompkins sworn and takes the stand	
			Government begins direct examination of Erin Tompkins	
5483		12:05 pm	ADMITTED into Evidence: 2015-05-11 Theranos Final Lab Results Report re Erin Tompkins	
5484		12:13 pm	ADMITTED into Evidence: 2021-08-10 Contra Costa Health Services Human Immunodeficiency Virus (HIV) Antigen/Antibody Test Results (Confidential Test) re Erin Tompkins	
		12:15 pm	Government completes direct examination of Erin Tompkins	
		12:16 pm	Defense begins cross-examination of Erin Tompkins	
		12:17 pm	Ex. 5483, previously admitted	
	20683	12:22 pm	ADMITTED into Evidence (pp. 1, 9): CENTERS FOR DISEASE CONTROL AND PREVENTION NATIONAL – Center for HIV/AIDS, <i>Laboratory Testing for the Diagnosis of HIV Infection - Updated Recommendations</i> , pp. 1, 9	
Obj	14259	12:30 pm	Offered into Evidence	
		12:32 pm	Foundation to be laid	
		12:34 pm	Redactions should be made	
		12:35 pm	ADMITTED into Evidence (offered for notice) with redaction: May 2015 Email String re Acc 182266; HIV results	

TRIAL DATE: May 13, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		12:40 pm	Ex. 5484, previously admitted	
		12:42 pm	Defense complete cross-examination of Erin Tompkins	
			Government begins re-direct examination of Erin Tompkins	
		12:43 pm	Government completes re-direct examination of Erin Tompkins	
			Witness #24 Erin Tompkins excused and departs Courtroom	
			Jury departs Courtroom	
		12:44 pm	Court in session with Counsel out of presence of Jury and witnesses	
			Argument of Counsel heard regarding Exs. 5860, 5858 and 5859 related to testimony of Brian Grossman	
			Counsel to further confer re Ex. 5859	
			Argument of Counsel heard regarding Ex. 2894 – Notes taken by Brian Grossman while watching E. Holmes interview	
		1:10 pm	Further discussion related to scheduling matters	
		1:12 pm	Court breaks for 11 minutes	
		1:23 pm	Court in session in presence of jurors	
			Government calls Witness #25 Brian Grossman	
		1:24 pm	Brian Grossman sworn and takes the stand	
			Government begins direct examination of Brian Grossman	
1360		1:53 pm	ADMITTED into Evidence: Dec 22-23, 2013, James/Holmes Email String re investment in Theranos	
1404		1:57 pm	ADMITTED into Evidence: Jan 6-7, 2014, Grossman/Holmes/Balwani Email String re Due Diligence Questions	
1422		2:31 pm	ADMITTED into Evidence: Jan 10-14, 2014, Grossman/Balwani Email String	
4077		2:38 pm	ADMITTED into Evidence: Jan 10-17, 2014, Grossman/Balwani Email String, and attachment – Theranos ppt	

TRIAL DATE: May 13, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
1443		3:05 pm	ADMITTED into Evidence: Jan 10-20, 2014, Grossman/Balwani Email String	
1454		3:15 pm	ADMITTED into Evidence: Jan 10-24, 2014, Grossman/Balwani Email String	
1477		3:20 pm	ADMITTED into Evidence: Jan 26-27, 2014, Grossman/Balwani Email String re Questions for Call on Financial Model and re Open Items for PFM Investment	
5441		3:27 pm	ADMITTED into Evidence: 2014-01-29 Grossman Email to Clammer, and attachment Theranos_v12.xlsx	
1482		3:32 pm	ADMITTED into Evidence: Jan 26-28, 2014, Grossman/Balwani Email String re Open Items for PFM Investment	
1505		3:34 pm	ADMITTED into Evidence: 2014-02-03 Theranos, Inc. Series C-2 Preferred Stock Purchase Agreement	
1506		3:36 pm	ADMITTED into Evidence: 2014-02-04 Partner Investments, LP, PFM Healthcare Master Fund, LP and PFM Healthcare Principals Fund, LP Master Signature Page re Theranos Agreements	
		3:44 pm	Ex. 5387H, previously admitted	
5858		3:49 pm	ADMITTED into Evidence as redacted (p. 7 only): Question and Answer of Ramesh Balwani re ownership stake in Theranos	
		3:50 pm	Government completes direct examination of Brian Grossman	
		3:51 pm	Defense begins cross-examination of Brian Grossman	
		4:06 pm	Court admonishes Jury	
			Jury departs Courtroom	
		4:07 pm	Witness #25 Brian Grossman released for day and departs Courtroom	
			Court in session with counsel out of presence of Jury and witnesses	
		4:13 pm	Court adjourns	
			Jury Trial continued to May 20, 2022, at 9:00 AM	